

Practitioner's Docket No. U 013563-5

## CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/IB00/00135                      28 JANUARY 2000                      1 FEBRUARY 1999  
 INTERNATIONAL APPLICATION NO.      INTERNATIONAL FILING DATE      PRIORITY DATE CLAIMED

INTERACTIVE SYSTEM  
 TITLE OF INVENTION

PATRICK J. RAINSFORD  
 APPLICANT(S)

Box PCT  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231  
 ATTENTION: EO/US

COMPLETION OF FILING REQUIREMENTS  
 FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
 IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

*(check and complete the applicable item, if applicable)*

- [X] This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).  
 [X] A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** *Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. § 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 C.F.R. § 108(2)(xi).*

CERTIFICATION UNDER 37 C.F.R. 1.10\*  
*(Express Mail label number is mandatory.)*  
*(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service on this date November 8, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV011019060US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Barbara D. Santiago  
*(type or print name of person mailing paper)*

*Barbara D. Santiago*  
 Signature of person mailing paper

**WARNING:** *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*

**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
 "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 U.S.C. § 371. Otherwise, the submission will be considered as being made under 35 U.S.C. § 111. 37 C.F.R. § 1.495(g).

### DECLARATION OR OATH

- I. (a) ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

### OR

- (b) ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

**NOTE:** For surcharge fee for filing declaration after filing date complete item IV(3)

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If the identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

**NOTE:** See 37 C.F.R. § 1.41(a).

(complete as applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.
- (e) ☐ Statement that substitute specification contains no new matter.
- (f) ☒ Preliminary Amendment previously filed on August 30, 2001.
- (g) ☐ Transmittal of Formal Drawing(s) Prior to Notice of Allowance
- (h) ☐ Submission of "Sequence Listing," computer readable copy, and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence

## AMENDMENT

### II. *(complete as applicable)*

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.  
☐ The attached amendment cancels claims \_\_\_\_\_ inclusive.

### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 C.F.R. 1.495(c))

NOTE: *For fee for processing a non-English application, complete item IV(4).*

NOTE: *A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

## FEES

### IV.

NOTE: *See 37 C.F.R. § 1.28(a).*

#### 1. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. § 1.492(b))—\$84.00; small entity—\$42.00 \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. § 1.492(c))—\$18.00; small entity—\$9.00 \$ \_\_\_\_\_
- ☐ multiple dependent claims(s)  
(37 C.F.R. § 1.492(d))—\$280.00; small entity—\$140.00 \$ \_\_\_\_\_

#### 2. Surcharge fees

- ☒ surcharge set forth in 37 C.F.R. § 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office—\$130.00; small entity—\$65.00 \$ 65.00

NOTE: *The processing fee in the next item 3 below is not subject to a reduction for small entity status.*

3. ☐ processing fee set forth in 37 C.F.R. § 1.492(f) for acceptance of an English translation later than 30 months after the priority date—\$130.00 \$ \_\_\_\_\_

12/14/2001 UEDUVIJE 00000120 09889966

Total Fees

\$ 65.00

01 FC:254

65.00 0P

## SMALL ENTITY STATUS

- V. ☒ A statement that this filing is by a small entity  
(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US))

NOTE: See 37 C.F.R. § 1.28(a).

*(check and complete applicable items)*

- [X] is attached.  
[X] A separate refund request accompanies this paper.

### EXTENSION OF TIME

*(complete (a) or (b), as applicable)*

#### VI.

The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) [ ] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

<u>Extension</u> <u>(months)</u>	<u>Fee for other than</u> <u>small entity</u>	<u>Fee for</u> <u>small entity</u>
[ ] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 400.00	\$ 200.00
[ ] three months	\$ 920.00	\$ 460.00
[ ] four months	\$ 1,440.00	\$ 720.00
[ ] five months	\$ 1,960.00	\$ 980.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- [ ] An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

### VII.

The total fee due is:

Completion fee(s) \$ 65.00  
Extension fee (if any) \$ \_\_\_\_\_  
TOTAL FEE DUE \$ 65.00

## PAYMENT OF FEES

### VIII.

☒ Enclosed is a check in the amount of \$ 65.00  
☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
☐ A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### IX.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425

☒ 37 C.F.R. § 1.492(a)(1), 1.492(a)(4) (filing fees)

☐ 37 C.F.R. § 1.492(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- [X] 37 C.F.R. § 1.17 (application processing fees)
- [X] 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a)).
- [X] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

**NOTE:** *37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

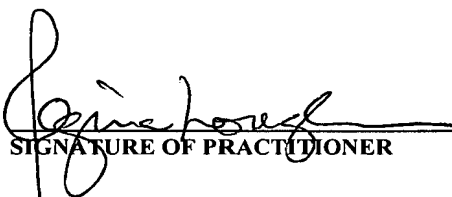
- [ ] 37 C.F.R. § 1.492(e) and/or (f) surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date.

**WARNING:** *It would be wise to always check this last authorization.*

Reg. No.: 30958

Tel. No.: (212) 708-1802


Customer No.: 00140

  
SIGNATURE OF PRACTITIONER

REGINA ANN LOUGHRAN  
(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

 <small>Combination For Patents, Ben. PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small>		
--	--	--

U.S. APPLICATION NUMBER NO. 09/889,966	FIRST NAMED APPLICANT Patrick J Rainsford	ATTY. DOCKET NO. U013563-5
---	--	-------------------------------

00140  
LADAS & PARRY  
26 WEST 61ST STREET  
NEW YORK, NY 10023

**RECEIVED**

NOV 6 - 2001

**L. & P.**

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/IB00/00135

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

01/28/2000

02/01/1999

**CONFIRMATION NO. 3160**

**371 FORMALITIES LETTER**



\*OC000000006974744\*

Date Mailed: 10/30/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$36** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$166** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$36**
  - **\$36** for **10** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 305-3738

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/889,966	PCT/IB00/00135	U013563-5